IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1907 OF 2005

Mr. Rajkumar Bakshomal Basantani ...Petitioner

Versus

The State of Maharashtra & Ors ...Respondents

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Mr. Vinod N. Tayade, Advocate for Petitioner
Mr. V.B.Konde Deshmukh, A.P.P. for State.
Respondent No.2 present in person.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 10TH OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the petitioner i.e.original accused, the learned A.P.P. for the State and the respondent No.2 i.e. original complainant Dr. Sarojini Rochiram Paryani (Mrs. Sarojini Rajkumar Basantani) who is present in person. Learned A.P.P. has verified the identity of the respondent No.2 i.e. original complainant.

2. Rule. By consent rule made returnable forthwith.

3. The petitioner has prayed for quashing of R.C.C. No. 130/1993 which is pending before the learned J.M.F.C. Ulhasnagar. The said case relates to C.R. No. 50 of 1993 of Central Police station, Ulhasnagar, filed by respondent No.2 i.e. original complainant. The said case is under Section 498-A of I.P.C.

4. The respondent No.2 i.e. the original complainant who is present in person has stated that the matter has been amicably settled between the parties and she does not wish to pursue her complaint. Reliance is placed on the various decisions, wherein where the disputes are settled and the complainant did not wish to pursue his/her complaint, the complaint came to be quashed. The said decisions are;-

i). B.S. Joshi Vs. State of Haryana, AIR 2003 SC 1386,

ii) Fahimuddin Vs. State of U.P., AIR 1981 SC 2008(3),

iii) Judgment of the Division Bench of this Court in Cri. W.P. No. 1672 of 2002 dated 20.12.2002 (Alan Douglas Grant Vs. State of Mah.)

iv) Order dated 27.3.2001 passed by His Lordship Mr. Justice S.S. Parkar in Cri. W.P. No. 366 of 2001.

5. Looking to the fact that the complainant does not wish to pursue her complaint, I am of the opinion that this Court can consider the prayer of the petitioner and quash the prosecution in the said case. Hence, R.C.C. No. 130/1993 pending before the learned J.M.F.C. ULhasnagar, and the proceedings relating thereto are quashed.

6. Rule made absolute accordingly.

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